saalt
SOUTH ASIAN AMERICANS LEADING TOGETHER

6930 Carroll Avenue, Suite 506
Takoma Park, MD 20912

Phone: 301.270.1855
Fax: 301.270.1882
info@saalt.org
www.saalt.org

April 18, 2019

Secretary of Homeland Security

CC: Office of Civil Rights and Civil Liberties

U.S. Department of Homeland Security
Building 410, Mail Stop #0190
Washington, D.C. 20528

We write to express our deep and urgent concern about the detention and treatment of several unaccompanied minors from Bangladesh who are detained in the Otay Mesa Detention Center in San Diego, California. SAALT is deeply concerned about a pervasive pattern of parole denials and disparate treatment of alleged nationals of Bangladesh. Most recently, SAALT became aware of DHS' refusal to properly examine and evaluate multiple types of evidence submitted by respondents in Otay Mesa to confirm their age and nationality. The amount of information we have collected over the years suggests that ICE presumptively denies parole applications.

At present, SAALT is aware of two cases of minors, Md Shahadat Hossain (A215828066) and Shahriar Rahman (A215-828-065) who are detained in the Otay Mesa Detention Center and currently in removal proceedings. Even though counsel for both minors stated that they presented abundant evidence showing that they are minors, ICE continues to detain them with adult populations in Otay Mesa. Moreover, ICE's own forensic investigation revealed that the dental record analysis was inconclusive. It is deeply troubling that ICE elected to continue detaining these minors when ICE's own findings were inconclusive despite the respondents providing clear and convincing evidence of age.

Additionally, these minors have been denied parole and bond repeatedly despite evidence demonstrating that they are not a danger to society or a flight risk. All respondents produced evidence of family ties and/or sponsors to whom they could be released. Most of these families live in Brooklyn and Queens, NY. Moreover, we continue to receive complaints that these individuals are not provided proper language translation or interpretation services within the facility as mandated within PBNDS. Given the risk that many of these minors may be victims of trafficking as defined under the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), we are deeply concerned that ICE is not releasing them. Lastly, the possibility that ICE, by discounting evidence by respondents' counsel did not allow these minors to access protections provided to UACs raises additional concerns.

We have also received complaints that the immigration judge in these cases appears to act in a hostile manner against the respondents through her demeanor and tone. We are concerned that respondents who are not yet adults and who do not read or write English, are not being treated in a manner consistent with their age and ability.

Several calls have been made to the Otay Mesa ICE Field Office and the only person who has answered the phone, Assistant Officer In-Charge Mark Paramo, has denied that any minors are detained in the Otay Mesa Detention Center.

saalt
SOUTH ASIAN AMERICANS LEADING TOGETHER

6930 Carroll Avenue, Suite 506
Takoma Park, MD 20912

Phone: 301.270.1855
Fax: 301.270.1882
info@saalt.org
www.saalt.org

We ask that your office immediately confirm the detention of these minors in the Otay Mesa Detention Center, recommend releasing these minors, and conduct an investigation into these violations.

From 2014 through 2019, organizations have documented several instances of due process violations and inhumane treatment of South Asian asylum seekers in detention facilities and processing centers across the country.

2014
El Paso, TX: In 2014, the Sikh Coalition filed a complaint (No. 14-07-ICE-0183) with the DHS Office of Civil Rights and Civil Liberties (CRCL) about the treatment of 37 Punjabi asylum seekers detained in the El Paso Processing Center for over one year. All of these asylum seekers passed their credible fear interviews and were denied bond or parole and went on hunger strike to protest their prolonged detention. They too received inadequate medical care, retaliation for their hunger strike, and no in-language assistance. In the end, many of them were deported.

2015
El Paso, TX: In 2015, 54 South Asian asylum seekers, mainly from Bangladesh, Afghanistan, and Pakistan went on hunger strike at the El Paso Processing Center to protest their prolonged detention and demand investigations into unfair hearings and interference with their legal cases. These asylum seekers passed their credible fear interviews and were denied bond or parole. They too received inadequate medical care, retaliation for their hunger strike, and no in-language assistance. In the end, as egregious examples of refoulement, many of them were deported back to their deaths. In the 2014 and 2015 instances, the government brought Indian and Bangladesh consulates into the El Paso Processing Center without the consent of the asylum seekers. This endangered the security of the detained immigrants who were seeking asylum from these very governments represented by the respective consular offices. These consulate representatives then intimidated detainees into ending their hunger strike, which is in direct violation of 8 CFR 208.6 which “generally prohibits the disclosure to third parties of information contained in or pertaining to asylum applications, credible fear determinations, and reasonable fear determination.”

In 2015, Desis Rising Up and Moving (DRUM), The National Immigration Project of the National Lawyers Guild (NIP-NLG), and South Asian Americans Leading Together (SAALT) filed a complaint (No. 16-01-ICE-0012) with CRCL about the treatment of these 54 asylum seekers. In early 2017, we were informed the findings of a CRCL investigation were turned over to ICE for further action. We have followed up several times for the findings of these investigations and have been given no update.

2017
Adelanto, CA: An asylum seeker from Nicaragua detained in the Adelanto Detention Facility committed suicide in 2017 and seven more detained immigrants attempted suicides between October 2016 and July 2018. This follows the death of five asylum seekers from Mexico, El Salvador, and Honduras over the last three years alone in Adelanto, resulting from medical neglect despite repeated requests for medical attention from detained immigrants. In June 2017

saalt
SOUTH ASIAN AMERICANS LEADING TOGETHER

6930 Carroll Avenue, Suite 506
Takoma Park, MD 20912

Phone: 301.270.1855
Fax: 301.270.1882
info@saalt.org
www.saalt.org

nearly 40 detained immigrants from Guatemala, El Salvador, and Honduras launched a series of hunger strikes to protest their conditions and treatment and faced severe retaliation. In May, 2018 the DHS Office of the Inspector General conducted a surprise visit of the facility and concluded that it was violating ICE's own detention standards. On August 15, 2018, a delegation of Members of Congress from the Congressional Asian Pacific American Caucus, led by Chairwoman Judy Chu, raised further questions about hunger strikes, retaliation, and woefully inadequate medical care of detained immigrants in the Adelanto Detention Facility.

2018
Sheridan, OR: In June, 2018, 70 South Asian detained immigrants in the Yamhill County Federal Prison were denied access to counsel, language interpretation, and religious accommodations. Some Sikh detained immigrants were even forced to cut their hair.

Folkston, GA: Also in June, 2018 over 100 South Asian asylum seekers at the ICE Processing Facility in Folkston, GA began a second hunger strike to protest their prolonged detention. Once again, after passing credible fear interviews, the asylum seekers were denied bond by immigration judges. DHS allegedly visited the facility in August, 2018, but there has been no update on the findings of this visit.

Victorville, CA: Also in June, 2018 nearly 400 South Asian asylum seekers were held in the Federal Correctional Institution in Victorville, CA. Many of the asylum seekers were Sikh and banned from wearing their turbans and denied other religious accommodations and adequate medical care at a facility notorious for its scabies and chicken pox outbreaks. The detained immigrants were also denied legal counsel and their cases were on indefinite hold.

2019
El Paso, TX: In December, 2018 eleven Indian-Punjabi Sikh and Cuban asylum seekers went on hunger strike to protest their prolonged detention and denial of bond at bond hearings after passing credible fear interviews.. In January, 2019 nine Punjabi detained asylum seekers were force fed through nasal tubes and IV by Immigration and Customs Enforcement (ICE) officials. The detained immigrants were subjected to prolonged psychological abuse by ICE and denied adequate language access inside the facilities regarding their legal rights and due process. Ultimately, five individuals were deported, two remain in detention, and two were released on $20,000 bond each.

We request the following actions:

1. **Release the Bangladeshi minors**
2. **Immediate inquiry into detention of minors**
3. **Immediate investigation of bond and parole processes, including whether people are released, in the Otay Mesa Detention Center and nationwide across all detention facilities. Release the findings to the public within thirty days.**

We reiterate our demand for their release, and for an immediate investigation into the civil rights violations all Bangladeshi minors have suffered at Otay Mesa Detention Center. The Department of Homeland Security must act quickly to secure their release.

saalt
SOUTH ASIAN AMERICANS LEADING TOGETHER

6930 Carroll Avenue, Suite 506
Takoma Park, MD 20912

Phone: 301.270.1855
Fax: 301.270.1882
info@saalt.org
www.saalt.org

Signed,

South Asian Americans Leading Together